

Application No. 10/749,051 - - - - 4

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OCT 10 2006

Remarks

Claims 2-8, 10 and 12 are under consideration.

Claim 2 is amended to further define the present invention by introducing the limitation already present in claim 6. Thus, the present amendment to claim 2 does not necessitate a new search. Claims 1, 9 and 11 have been previously canceled without prejudice to expedite the further prosecution of this application.

The rejection of claims 2-5, 10 and 12 under 35 U.S.C. 102(b) as anticipated by Lin, U.S. Patent No. 6,039,463, is not warranted, and is hereby traversed.

The light bulb holder (6) of Lin has an upper end portion with external threads (63). Light bulb holder (6) clearly is not the same as the presently claimed coupler that has a head portion for seating within the lamp shade and a cup that extends between the shade and the base and is unitary with the head portion. Butterfly-shaped nut (5) is not unitary with any other piece of the Lin assembly. Rather, it is threadedly received on the light bulb holder (6), not unitary therewith. The arrangement of parts shown in Lin clearly is different from that of the presently claimed coupler.

Contrary to the Examiner's assertions, base (2) of Lin does not include a neck (4). As can be readily seen in Fig. 1, lamp cup (4) is a separate piece, secured to shade (3), and not a part of the base or secured directly to base (2). Lamp pole (2) terminates at threaded end (21). In addition, through hole (31) in shade (3) is not provided with a lip – none is shown in Fig. 1 or Fig. 2, or described in the Lin specification. Besides, in the Office Action dated 4 October 2005, at page 4, line 1, the Examiner admitted that "Lin does not disclose a lip of the shade."

To further expedite the prosecution of this application, applicant seeks to amend claim 2 to unequivocally state that the head portion of the coupler is unitary with the cup. In the outstanding Office Action, at page 3, lines 15-16, the Examiner concedes that Lin does not teach that a ring of the head portion is unitary with the cup. Accordingly, the rejection of claim 2 and the claims dependent thereon under 35 U.S.C. 102(b) as anticipated by Lin is not sustainable but should be withdrawn.

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Further as to claims 3 and 10, hollow bolt (8) of Lin does not secure the coupler to base (2). Hollow bolt (8) coacts with nut (9) and end cover (7) to hold lamp cup (4) against shade (3). Accordingly, Lin cannot and does not anticipate claims 3 and 10.

Further as to claims 4, 5 and 12, light bulb holder (6) does not define a cavity that can receive a candle. Instead, light bulb holder (6) is configured to provide a recess (61) with a threaded hole (62) and a light bulb locking seat (64). (Col. 2, lines 6-10) Butterfly-shaped nut (5) is not a ring called for by the present claims, rather a separate piece to be threaded onto light bulb holder (6).

The rejection of claims 6-8, inclusive, under 35 U.S.C. 103(a) as unpatentable over Lin is also traversed. As conceded by the Examiner, Lin does not show a coupler that has a head portion unitary with a cup portion. One of ordinary skill would not have derived any motivation whatsoever from the teachings of Lin to make butterfly-shaped nut (5) unitary with the light bulb holder (6). As a matter of fact, the contrary is indicated because if nut (5) were to be made unitary with light bulb holder (6), lampshade (3) could not be received therebetween. The entire purpose of the arrangement of parts described by Lin would have been defeated. One of ordinary skill most certainly would not have done so. Howard v. Detroit Stove Works, 150 U.S. 164 (1893), is inapposite to this case.

The present amendment to claim 2 and the accompanying discussion amply distinguish the present claims from the newly applied reference and place this application in condition for allowance. Entry of the present amendments is warranted inasmuch as prior to the outstanding Office Action applicant did not have an opportunity to distinguish claim 2 over the Lin reference.

In the event the Examiner deems the foregoing not persuasive, entry of the present amendments for the purposes of an appeal is requested.

An early passing of this application to issue is solicited.

Respectfully submitted,

October 10, 2006

By   
Talivaldis Cepuritis (Reg. No. 20,818)

OLSON & HIERL, LTD.  
20 North Wacker Drive, 36th Floor  
Chicago, Illinois 60606  
(312) 580-1180